

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CARLOS NINO DE RIVERA
LAJOUS, et al,

Plaintiffs,

v.

DAVID SANKEY, in his official capacity
as Superintendent of the Nebraska
State Patrol,

Defendant.

Case No. 4:13-CV-3070

**ORDER AND
FINAL JUDGMENT**

This matter is before the Court upon the parties' Joint Stipulation to Entry of Final Judgment and Permanent Injunction (Filing No. 26). The parties stipulated to an Order of the Court enjoining Defendant from enforcing Neb. Rev. Stat. § 69-2433(10) as applied to the application of lawful permanent residents to obtain a permit to carry a concealed handgun, provided they are otherwise-qualified.(Filing No. 26).

The Court concludes that the Stipulation should be approved, and judgment should be entered in favor of Plaintiffs. Accordingly,

IT IS ORDERED:

1. For the reasons set forth in the Court's Order on Motion to Dismiss of August 30, 2013 (Filing No. 22),
 - a. Count I of Plaintiffs' Complaint is dismissed with prejudice.
 - b. Plaintiffs' claims against the Nebraska Attorney General are dismissed with prejudice.
 - c. Count III of Plaintiffs' Complaint is voluntarily dismissed pursuant to F.R.Civ.P. 41(a)(1)(A)(ii).
2. Pursuant to Plaintiffs' as-applied Fourteenth Amendment Equal Protection claim in Count II, Defendant is permanently enjoined from taking any action to enforce Neb. Rev. Stat. § 69-2433(10) as applied to the application of lawful permanent residents to obtain a permit to carry a concealed handgun, provided they are otherwise-qualified. Upon entry of the final order and permanent injunction, Defendant shall allow Plaintiffs and other lawful permanent residents residing in Nebraska to apply for, and obtain, a permit to carry a concealed handgun, provided they are otherwise-qualified to obtain such a permit pursuant to the Nebraska Concealed Handgun Permit Act.

3. Plaintiffs' shall file an application for attorneys' fees and expenses on or before November 5, 2013.

Dated this 15th day of October, 2013.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge